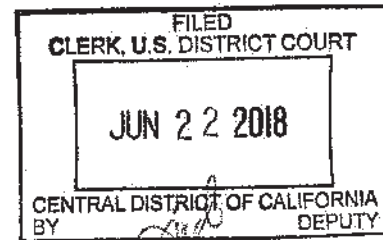


INMATE: FRANK RUST

CDCR #: T-08468

CALIFORNIA INSTITUTION FOR MEN
P.O. BOX 368 A2-LH-107-L
CHINO, CA 91708

IN PRO PER



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

FRANK RUST

Petitioner,

v.

CHINA PRISON HEALTHCARE
PROVIDERS, ET AL.
DR. M. FARAAQ AND
DR. M. VU.

Respondent.

NO: 5:17-cv-00556-JAK(KES)

**MOTION
FOR DEFAULT JUDGMENT**

TO: THE HONORABLE JUDGE PRESIDING OVER THE ABOVE ENTITLED CAUSE

PLEASE TAKE NOTICE that the above named petitioner moves this court FOR A
JUDGMENT BY DEFAULT IN THIS ACTION. NO ANSWER OR OTHER
DEFENSE HAS BEEN FILED BY DEFENDANTS SINCE THE REQUEST FOR
AN EXTENSION OF TIME TO FILE OBJECTIONS TO THE REPORT
AND RECOMMENDATION (DOCUMENT 58).

This motion is based on all the records and files listed under the above mentioned case number,
and the attached declaration of petitioner.

Respectfully submitted,

Dated JUNE 21, 2018

Frank Rust

1 ON APRIL 26, 2018, DEPUTY ATTORNEY GENERAL, DAVID S.
2 CARROLL FILED AN EX PARTE APPLICATION FOR EXTENSION OF
3 TIME UNTIL JUNE 8, 2018 IN ORDER TO FILE DEFENDANTS
4 OBJECTIONS TO THE HONORABLE KAREN E. SCOTT REPORT AND
5 RECOMMENDATION FILED APRIL 9, 2018.

6 THE COURT HAVING GRANTED THAT EXTENSION UNTIL JUNE
7 8TH, 2018.

8 THE COURT FILES AND RECORD HEREIN SHOW THAT THE
9 DEFENDANTS TIME TO FILE ANY OBJECTIONS TO THAT R & R HAS
10 ELAPSED AS OF TODAY'S DATE OF JUNE 21, 2018.

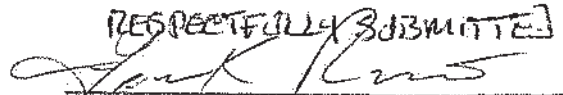
11 THE DEFENDANTS HAVE FAILED TO ANSWER ON THE R & R OR
12 OTHERWISE DEFEND AS TO PLAINTIFF'S ISSUES AS CONTAINED
13 IN THE R & R, OR SERVE A COPY OF ANY ANSWER OR ANY
14 DEFENSE WHICH IT MIGHT HAVE HAD, UPON AFFIANT OR ANY
15 PLAINTIFF HEREIN.

16 FOR THIS REASON, PLAINTIFF SEEKS DEFAULT AGAINST
17 THE DEFENDANTS, AND THIS COURT SHOULD GRANT THE
18 REPORT AND RECOMMENDATION (R & R).

19 WHEREFORE, PLAINTIFF MOVES THAT THIS COURT MAKE
20 AND ENTER A JUDGMENT ALLOWING FOR THE SAME AS
21 THE PRAYER FOR RELIEF IN THE COMPLAINT.

22 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
23 IS TRUE AND CORRECT.

24
25 DATED: JUNE 21, 2018

26 RESPECTFULLY SUBMITTED
27 
28 FRANK RUST

ORIGINAL

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, FRANK RUST, declare:

I am over 18 years of age and a party to this action. I am a resident of (CIM)

CHINO Prison,

in the county of SAN BERNARDINO.

State of California. My prison address is: A2-LH-107-L

P.O. Box 368 CHINO, CA 91708

On JUNE 21, 2018
(DATE)

I served the attached: MOTION FOR DEFAULT JUDGMENT

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

OFFICE OF ATTORNEY GENERAL
300 SOUTH SPRING ST. SUITE 1702
LOS ANGELES, CA 90013

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT
SOUTHERN DIVISION
411 WEST FIFTH ST. SUITE 1053
SANTA ANA, CA 92701-4516

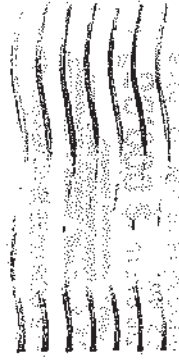
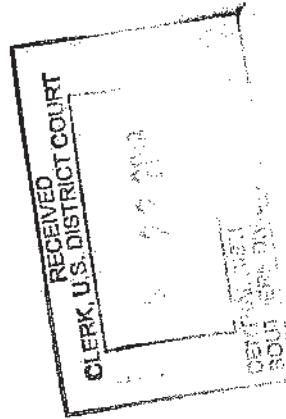
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on JUNE 21, 2018
(DATE)

Frank Rust
(DECLARANT'S SIGNATURE)

FRANK RUST
T-08468
CIVIL A2-LH-107-L
P O Box 368
CHINO, CA 91708

LC



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT
SOUTHERN DIVISION
411 WEST FORTH ST. SUITE 1053
SANTA ANA, CA 92701-4516

LEGAL
CORRESPONDENCE

9270134516 0013



6/20/18
% H Green

LEGAL
CORRESPONDENCE

GROUP 10

